



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ILARIA BULGARI,

Plaintiff,

- against -

VERONICA BULGARI, in her capacity as
Trustee of the Anna Bulgari Family Trust #1
And Trustee of the Anna Bulgari Family
Trust #2,

Defendant.
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22-CV-05072 (LGS) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This order resolves the pending issues concerning Plaintiff's motion to compel further deposition of Gary Gartner and to compel production of 14 emails withheld on the basis of attorney-client privilege or other protection. The Court requested and has received and reviewed in camera the emails in question. The Court finds that 11 of the emails are protected communications made in connection with Katten's potential co-representation of Defendant and Mr. Gartner. One email predates that period (GART43), and two emails long post-date that period (GART29 and GART31). Mr. Gartner faults Plaintiff for waiting over four months to make her motion after learning that Mr. Gartner and Defendant did not share an attorney-client relationship. (Dkt. 225 at 1.) But none of the parties' letters indicate when Mr. Gartner produced his privilege log such that Plaintiff would know documents were being withheld. Accordingly, the Court grants Plaintiff's motion in part insofar as Mr. Gartner shall produce GART 29, 31, and 43.

As for a continued deposition of Mr. Gartner, the Court finds that the primary purpose of the deposition – to ask questions concerning Nicola Bulgari – is irrelevant, or at least sufficiently irrelevant as to not warrant re-opening Mr. Gartner’s deposition. The three emails to be produced are also of insufficient import to warrant re-opening the deposition. Re-opening Mr. Gartner’s deposition is not proportionate to the needs of the litigation. Accordingly, Plaintiff’s application to re-open Mr. Gartner’s deposition is denied.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal stroke extending to the right.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: May 4, 2023
New York, New York